

ANNUAL REPORT

FISCAL YEAR 2004-2005

CAREER SERVICE REVIEW BOARD

STATE OF UTAH



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CAREER SERVICE REVIEW BOARD

STATE OF UTAH

ANNUAL REPORT

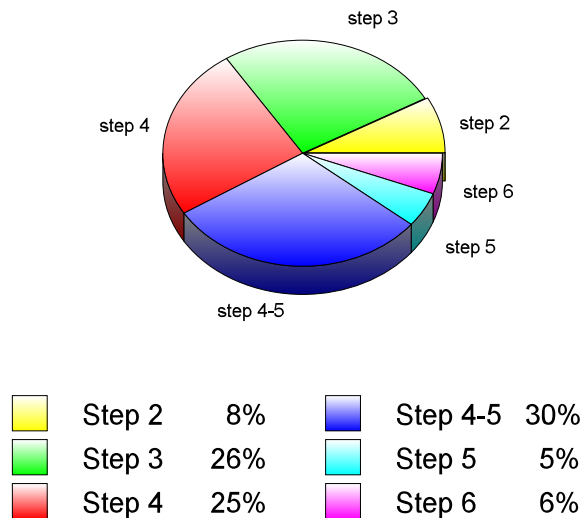
FISCAL YEAR 2004-2005

**LEVELS AT WHICH GRIEVANCE CASES
WERE RESOLVED DURING FISCAL YEAR 2004-2005**

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 2 Immediate Supervisor	10	10
Step 3 Agency/Division Director	32	32
Step 4 Department Head	30	30
Mediation Forum (Between Steps 4 & 5)	37	37
*Step 5 Evidentiary Hearing	6	6
Step 6 Appellate Review by Board	7	7
TOTALS:	122	122

*In addition to the six cases resolved at Step 5 during Fiscal Year 2004-2005, one additional hearing is not reflected in this chart. This hearing is not reflected in this chart because the decision is on appeal at Level 6.

LEVELS OF RESOLUTION BY PERCENT



**NUMBER OF APPEALS FROM DISCIPLINARY
PENALTIES AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2004-2005**

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 2	1
Step 3	2
Step 4	6
Mediation Forum (Between Steps 4 & 5)	24
**Step 5	4
Step 6	7
TOTAL:	44



***Note:** There are only four disciplinary actions designated by statute: written reprimand, suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

****** The additional Step 5 evidentiary hearing held during Fiscal Year 2004-2005, was related to disciplinary matters.

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS
DURING FISCAL YEAR 2004-2005**

LEVEL	ACTION	NUMBER	DETERMINATION					
			AFFIRMED	MODIFIED	RESCINDED			
Step 2	Reprimand	0	0	0	0			
	Suspension	1	1	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 3	Reprimand	1	0	1	0			
	Suspension	1	0	1	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 4	Reprimand	3	1	1	1			
	Suspension	3	1	2	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Mediation/Jurisdiction Forum	Reprimand	0	0	0	0			
	Suspension	4	0	3	1			
	Demotion	3	0	3	0			
	Dismissal	17	10	6	1			
Step 5	Reprimand	0	0	0	0			
	Suspension	2	1	1	0			
	Demotion	0	0	0	0			
	Dismissal	2	2	0	0			
Step 6	Reprimand	0	0	0	0			
	Suspension	1	0	1	0			
	Demotion	0	0	0	0			
	Dismissal	6	5	0	1			
TOTAL DISCIPLINARY APPEALS:		44	=	21	+	19	+	4

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES
DURING FISCAL YEAR 2004-2005**

ISSUES	OCCURRENCES
Benefits	25
Dismissal	25
Suspension	12
Salary Issues	13
Pay Equity (8)	
Administrative Salary Increase (3)	
Rehire (1)	
Working Conditions	9
Hostile Work Environment	6
Personnel Rule Violation	6
Promotion	6
Incentive Award	5
Written Reprimand	4
Corrective Action	3
Demotion	3
Transfer	3
Administrative Actions	2
Leave	2
Performance Appraisal	2
Written Warning	2
Flex Time	1
Job Assignment	1
Reassignment	1
Reimbursement	1
Retaliation	1

ISSUES	OCCURRENCES
Secondary Employment	1
Testing Process	1
Work Schedule	1

TOTAL ISSUES GRIEVED: 136

Note: There were 122 grievance cases resolved; however, many cases had multiple issues grieved. Thus, the overall number of grievance issues resolved (136) exceeds the total number of employees' cases (122) that were resolved.

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS
AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2004-2005**

<u>ADMINISTRATIVE SERVICES</u>	<u>ALCOHOLIC BEVERAGE CONTROL</u>	<u>ATTORNEY GENERAL</u>
Step 2 - 0	Step 2 - 0	Step 2 - 0
3 - 0	3 - 0	3 - 0
4 - 0	4 - 0	4 - 0
4-5 - 1	4-5 - 1	4-5 - 0
5 - 0	5 - 0	5 - 0
6 - 0	<u>6 - 0</u>	6 - 1
<u>CORRECTIONS</u>	<u>EDUCATION</u>	<u>HEALTH</u>
Step 2 - 5	Step 2 - 0	Step 2 - 0
3 - 26	3 - 1	3 - 1
4 - 14	4 - 1	4 - 2
4-5 - 16	4-5 - 4	4-5 - 1
5 - 3	5 - 0	5 - 0
6 - 1	6 - 0	6 - 0
<u>HUMAN SERVICES</u>	<u>LABOR COMMISSION</u>	<u>NATURAL RESOURCES</u>
Step 2 - 5	Step 2 - 0	Step 2 - 0
3 - 3	3 - 0	3 - 0
4 - 10	4 - 1	4 - 0
4-5 - 4	4-5 - 0	4-5 - 2
5 - 1	5 - 0	5 - 2
6 - 2	6 - 0	6 - 0

PUBLIC SAFETY

Step 2 - 0
3 - 0
4 - 0
4-5 - 0
5 - 0
6 - 1

TAX COMMISSION

Step 2 - 0
3 - 0
4 - 0
4-5 - 1
5 - 0
6 - 0

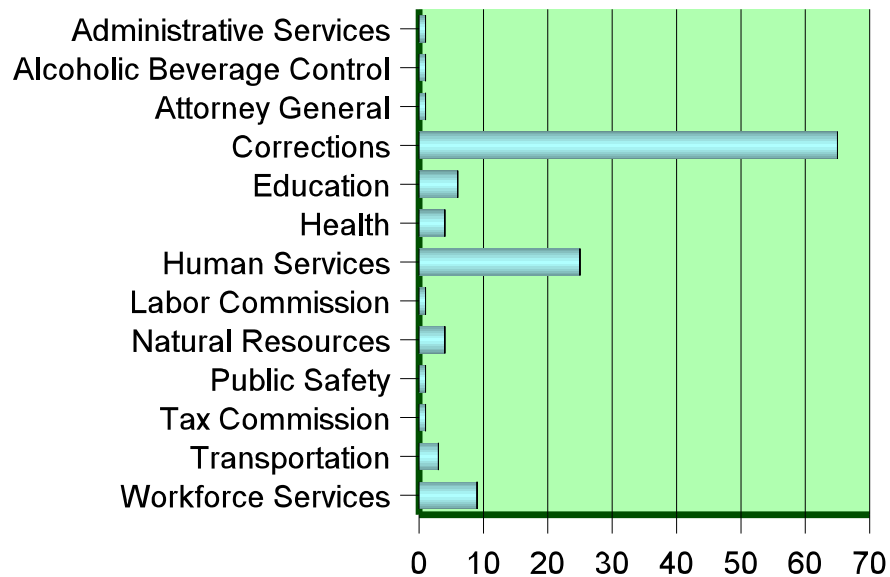
TRANSPORTATION

Step 2 - 0
3 - 0
4 - 1
4-5 - 2
5 - 0
6 - 0

**WORKFORCE
SERVICES**

Step 2 - 0
3 - 1
4 - 1
4-5 - 5
5 - 0
6 - 2

GRIEVANCES BY DEPARTMENT



**GRIEVANCE CASES PER LEVEL RESOLVED
DURING FISCAL YEAR 2004-2005**

STEP 2		
Immediate Supervisor	Cases: 10	Employees: 10

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
B.S.	Salary (Contract)	Corrections/Institutional Operations
C.J.	Salary (Pay Increase)	Human Services/Juvenile Justice Svcs
F.J.	Salary (Pay Increase)	Human Services/Juvenile Justice Svcs
L.L.	Promotion	Corrections/Institutional Operations
M.M.	Suspension	Human Services/Juvenile Justice Svcs
S.J.	Benefits	Corrections/AP&P
S.D.	Benefits	Corrections/AP&P
S.I.	1. Work Schedule 2. Incentive Award	Human Services/Juvenile Justice Svcs
W.C.W.	1. Transfer 2. Personnel Rule Violation	Corrections/Institutional Operations
W.D.L.	Working Conditions	Human Services/Juvenile Justice Svcs

STEP 3		
DIVISION/AGENCY DIRECTOR	CASES: 32	EMPLOYEES: 32

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.J.D.	Benefits	Corrections/AP&P
B.B.	Benefits	Corrections/AP&P
B.D.	Benefits	Corrections/AP&P
C.V.	Hostile Work Environment	Corrections/AP&P

C.J.	Benefits	Corrections/AP&P
D.K.	Benefits	Corrections/AP&P
D.C.K.	Working Conditions	Corrections/Institutional Operations
D.C.	Written Reprimand	Health/Health Care Financing
G.M.	Secondary Employment	Corrections/Institutional Operations
G.P.	Salary (Pay Equity)	Corrections/Institutional Operations
H.D.	Suspension	Human Services/DCFS
H.P.M.	Leave	Workforce Services/Norther Region
H.L.E.	Benefits	Corrections/AP&P
H.J.C.	Benefits	Corrections/AP&P
H.N.	Benefits	Corrections/AP&P
K.J.	Corrective Action	Human Services/DCFS
K.C.	Salary (Rehire)	Corrections/Institutional Operations
K.K.	1. Working Conditions 2. Retaliation	Corrections/Institutional Operations
L.P.L.	Hostile Work Environment	Human Services/Utah State Hospital
M.D.	Leave	Corrections/Institutional Operations
M.D.P.	Benefits	Corrections/AP&P
M.L.R.	Incentive Award	Corrections/AP&P
M.A.	Benefits	Corrections/AP&P
N.D.	Benefits	Corrections/AP&P
O.J.	Personnel Rules Violation	Corrections/Institutional Operations
P.K.	Benefits	Corrections/AP&P

S.R.	Benefits	Corrections/AP&P
S.K.	Benefits	Corrections/AP&P
T.D.	Job Assignment	Corrections/Institutional Operations
W.L.	Personnel Rules Violation	Corrections/Institutional Operations
W.D.	Benefits	Corrections/AP&P
W.S.	Corrective Action	Education/Rehabilitation

STEP 4

DEPARTMENT HEAD

CASES: 30

EMPLOYEES: 30

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.M.J.	Salary (Pay Equity)	Corrections/Institutional Operations
A.J.	Promotion	Corrections/Institutional Operations
A.A.	Suspension	Human Services/Juvenile Justice Svcs
A.W.	Benefits	Corrections/AP&P
A.J.	Suspension	Human Services/Juvenile Justice Svcs
B.T.	Salary (Pay Equity)	Corrections/Institutional Operations
B.T.A.	1. Hostile Work Environment 2. Testing Process	Corrections/Institutional Operations
B.M.	Personnel Rules Violation	Corrections/Institutional Operations
C.S.E.	Written Reprimand	Human Services/Utah State Hospital
C.M.	Working Conditions	Health/Health Care Financing
D.K.	Benefits	Corrections/AP&P
G.K.D.	Working Conditions	Corrections/Institutional Operations
H.L.	Suspension	Workforce Services
H.P.	Working Conditions	Corrections/Administrative Services

H.T.	1. Performance Appraisal 2. Corrective Action 3. Personnel Rules Violation	Corrections/Institutional Operations
H.L.	Salary (Pay Equity)	Human Services/Developmental Center
J.A.L.	Written Reprimand	Human Services/DCFS
J.C.	Personnel Rules Violation	Education
M.B.	Promotion	Human Services/DCFS
M.T.	Written Reprimand	Labor Commission/UOSH
P.B.L.	1. Letter of Warning 2. Hostile Work Environment 3. Transfer	Health
R.T.	Hostile Work Environment	Transportation
R.J.	Benefits	Corrections/AP&P
R.S.	Benefits	Corrections/AP&P
R.T.	Benefits	Corrections/AP&P
S.T.	1. Working conditions 2. Administrative Actions	Human Services/Juvenile Justice Svcs
T.N.B.	Administrative Actions	Human Services/Juvenile Justice Svcs
W.D.K.	Performance Appraisal	Human Services/Juvenile Justice Svcs
V.R.	Salary (Pay Equity)	Corrections/Institutional Operations
W.R.	Promotion	Human Services/Utah State Hospital

MEDIATION/JURISDICTIONAL FORUM
BETWEEN STEPS 4 AND 5 CASES: 37

EMPLOYEES: 37

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.T.	Promotion	Transportation/Human Resources
A.R.D.	Dismissal	Workforce Services

B.D.	Dismissal	Alcoholic Beverage Control
B.I.	Written Warning Flex Time	Health
B.S.A.	Dismissal	Natural Resources/Parks & Recreation
B.Y.	Demotion	Education/Rehabilitation
B.B.	Working Conditions Incentive Award	Corrections/Institutional Operations
C.T.	Benefits	Corrections/AP&P
C.V.	Demotion Suspension	Corrections/AP&P
C.S.	Suspension	Human Services/Licensing
C.B.	Suspension Promotion	Corrections/AP&P
C.C.	Salary (ASI)	Corrections/AP&P
E.C.	Hostile Work Environment Salary (ASI)	Corrections/AP&P
F.J.	Dismissal	Corrections/Institutional Operations
G.F.F.	Dismissal	Human Services/Juvenile Justice Svcs
H.M.	Suspension	Education/Rehabilitation
H.H.C.	Incentive Award	Corrections/Institutional Operations
J.V.	Working Conditions	Corrections/Institutional Operations
K.M.A.	Dismissal	Tax Commission/Motor Vehicle
K.E.	Dismissal	Corrections/AP&P
K.M.A.	Dismissal	Workforce Services
L.D.A.	Salary (ASI)	Corrections/Institutional Operations
M.J.	Benefits	Corrections/AP&P
M.R.	Dismissal	Human Services/DSPD

M.L.G.	Dismissal	Corrections/AP&P
O.K.	Benefits	Corrections/AP&P
R.T.	Dismissal	Transportation
S.R.M.	Dismissal	Human Services/Utah State Hospital
T.C.	Dismissal	Workforce Services
T.L.J.	Demotion	Education/Rehabilitation
W.J.	Incentive Award	Corrections/Institutional Operations
W.J.	Dismissal	Workforce Services
W.R.	Dismissal	Natural Resources/UGS
W.S.	Dismissal	Education/Rehabilitation
W.T.	Reassignment	Workforce Services/WDID
Y.J.	Salary (Pay Equity)	Corrections/Institutional Operations
Z.P.	Dismissal	Administrative Services/ITS

STEP 5 EVIDENTIARY HEARING CASES: 6 EMPLOYEES: 6		
<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
Robert Foote	Reimbursement	Natural Resources/Parks & Recreation
Robert Foote	Dismissal	Natural Resources/Parks & Recreation
Patricia Hartzell	Suspension	Human services/Foster Care
Barbara Henagir	Transfer	Corrections/Institutional Operations
Joseph Smith	Dismissal	Corrections/Institutional Operations
Jeffrey Straw	Suspension	Corrections/Institutional Operations

Note: The following case was heard at Step 5, but not resolved during Fiscal Year 2004-2005. This case is not reflected in this report because was appealed to Step 6, and thus will be reflected in next year's Annual Report.

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Carl Jacobson	Dismissal	Corrections	October 19, 2004	Appealed to Step 6

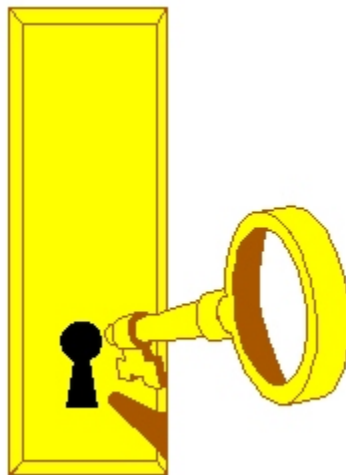
STEP 6

APPELLATE REVIEW/BOARD CASES: 7

EMPLOYEES: 7

<u>Employee</u>	<u>Issue</u>	<u>Department/Division</u>
Jody Bledsoe	Dismissal	Human Services/Recovery Services
Tara Chournos	Dismissal	Workforce Services
Brent Hughes	Dismissal	Human Services/Recovery Services
LuAnn F. Morris	Dismissal	Workforce Services
Ross Pace	Suspension	Public Safety/Highway Patrol
John Sorge	Dismissal	Attorney General
Kevin Yardley	Dismissal	Corrections/Institutional Operations

COMMUNICATION CAN BE THE KEY



**ADMINISTRATIVE REVIEWS OF THE FILE
CONDUCTED DURING FISCAL YEAR 2004-2005**

ADMINISTRATIVE REVIEWS OF THE FILE:

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii).

EMPLOYEE/DATE ISSUED	ISSUE	DEPARTMENT/CASE NUMBER
Teresa Aguiar June 24, 2005	Subject Matter	Transportation – J.H. 151
Irene Beck September 16, 2004	Subject Matter	Health – J.H. 142
Brandon Burr July 28, 2004	Subject Matter	Corrections – J.H. 140
Todd Carter June 1, 2005	Subject Matter	Corrections – J.H. 148
Cathy Crawford March 23, 2005	Subject Matter	Corrections – J.H. 145
Colleen Edwards April 21, 2005	Subject Matter	Corrections – J.H. 147
Frederick Flint Gleave January 6, 2005	Timeliness	Human Services – J.H. 143
Harold Craig Hattenbruck July 14, 2004	Subject Matter	Corrections – J.H. 137
Val D. Jenkins August 13, 2004	Subject Matter	Corrections – J.H. 141
Koellner, Eric August 12, 2004	Timeliness	Corrections – J.H. 139
Mary Ann Kolhoff July 16, 2004	Timeliness	Workforce Services – J.H. 138
Jeffrey MacLeod June 23, 2005	Subject Matter	Corrections – J.H. 150
Kathy Okey June 23, 2005	Subject Matter	Corrections – J.H. 149
Jared M. Walker July 7, 2004	Subject Matter	Corrections – J.H. 136
Thomas Woodland February 17, 2005	Subject Matter	Workforce Services – J.H. 144

**JUDICIAL REVIEW BY THE COURTS
CASES DECIDED DURING FISCAL YEAR 2004-2005**

1. Royene Aitken, Grievant and Respondent, v. Utah Department of Human Services, Agency and Respondent. 8 CSRB 75. (Step 5 Case No. 22 CSRB/H.O. 316)

Designation in the Court of Appeals:

Royene Aitken, Petitioner, v. Utah Department of Human Services and Career Service Review Board, Respondents. Case No. 20040387-CA.

Synopsis: Agency dismissed Grievant for Abandonment of Position pursuant to Utah Department of Human Resource Rule R477-12-2. Agency was overturned at Step 5, but upheld on appeal at Step 6.

Decision: The Court upheld the Board's Step 6 decision.

2. Craig Burr and Lowell H. Clark, Grievants and Appellants v. Utah Department of Corrections, Agency and Respondent Case No. 7 CSRB 69 (Step 5 Case No. 18 CSRB/H.O. 259)

Designation in the Court of Appeals:

Craig Burr and Lowell Clark, Petitioners/Appellants, vs. Utah Department of Corrections and the Career Service Review Board, of the State of Utah, Respondent/Appellees.

Appeal No. 20040162-CA

Synopsis: Grievants appealed to the CSRB a salary equity issue alleging they were not receiving equal salary for equal work. Grievants were denied relief by the Agency. Agency was upheld by the CSRB at Step 5 and Step 6.

Decision: The Court upheld the Board's Step 6 decision.

3. Ronald R. Draughon, Grievant, v. Utah Department of Financial Institutions, Agency. CSRB Case No. 7 CSRB 66 (Step 5 Case No. 18 CSRB/H.O. 267)

Designation in the Court of Appeals:

Ronald R. Draughon, Petitioner, v. Utah Department of Financial Institutions, and Utah Career Service Review Board, Respondents.

Case No. 20030575-CA

Synopsis: Agency dismissed Grievant for failing to return to work after exhausting his Long Term Disability Leave. Agency was sustained in part and overturned in part at Step 5, but fully upheld on appeal at Step 6.

Decision: The Court upheld the Board's Step 6 decision.

**JUDICIAL REVIEW BY THE COURTS
CASES PENDING DURING FISCAL YEAR 2003-2004**

1. ***Ronald R. Draughon, Grievant, v. Utah Department of Financial Institutions, Agency.***
CSRB Case No. 7 CSRB 66

Designation in the Court of Appeals:

Ronald R. Draughon, Petitioner, v. Utah Department of Financial Institutions, and Utah Career Service Review Board, Respondents. Case No. 20030575-CA

2. ***Brent Hughes, Grievant and Respondent v. Utah Department of Corrections, Agency and Appellant*** Case No. 8 CSRB 80

Designation in the Court of Appeals:

Utah Department of Human Services, Petitioner/Appellant, vs. Brent N. Hughes and Career Service Review Board, Respondents Appeal No. 20050610

3. ***W. Fred Hurst, Harold W. Johnson, Daniel Leatham, Timothy Slocum and Robert E. Steele v. Utah Department of Corrections*** Case No. 7 CSRB 65

Designation in the Court of Appeals:

Dan Leatham, Robert E. Steele, Tim Slocum, Harold W. Johnson and W. Fred Hurst, Appellants/Petitioners, vs. Utah Department of Corrections and the Career Service Review Board of the State of Utah, Respondents/Agencies Appeals No. 20040376

4. ***John D. Sorge, Grievant and Appellant v. Utah Office of the Attorney General, Agency and Respondent*** Case No. 8 CSRB 7

Designation in the Court of Appeals:

John D. Sorge, Petitioner/Appellant, v. Utah Office of the Attorney General, Respondents/Appellees Appeal No. 20041046-CA

5. *Joanna J. Anderson et al. v. Utah Department of Human Services, Agency*
Case No. J.H. 128 (2003)

Designation in Third Judicial District Court:

Joanna J. Anderson et al, Plaintiffs/Petitioners, vs. Robert W. Thompson, Administrator Career Service Review Board, Emma Chacon, Director, Office of Recovery Services, Robin Arnold-Williams, Executive Director, Utah Department of Human Services, and the Career Service Review Board, State of Utah, Defendants/Respondents.

Case No. 030928597

6. *Lorin Blauer v. Utah Department of Workforce Services*
Case No. J.H. 129 (2003)

Designation in Third Judicial District Court:

Lorin Blauer, Plaintiff, vs. Utah Department of Workforce Services, Defendant

Civil No. 040900221

STATISTICAL SUMMARY OF ACTIVITIES FOR FISCAL YEAR 2004-2005

GENERAL:

Grievance cases resolved in the CSRB forum:	122
Career service employees participating in the grievance process:	118
Evidentiary/step 5 hearings conducted:	7
Evidentiary/step 5 hearings decisions issued:	6
Appellate/step 6 hearings conducted:	7
Appellate/step6 decisions issued:	7
Jurisdictional hearings conducted/decisions issued:	0
Administrative reviews of the file conducted/issued	15
Cases resolved, mediated or otherwise settled following an appeal to Step 5:	37

CSRB BOARD CHAIRPERSON AND BOARD MEMBERS:

Step 6 decisions issued:	7
Orders/Rulings issued:	7

CSRB ADMINISTRATOR:

Prehearing/scheduling conferences conducted:	47
Prehearing conference summaries/orders issued:	27
Other orders issued:	24
Conciliation conferences held:	11
Jurisdictional hearing decisions issued:	15

CSRB HEARING OFFICERS/PRESIDING OFFICERS:

Step 5 hearing decisions issued	7
Prehearing conferences and motion conferences held:	5
Prehearing conference orders issued:	5
Orders Issued by CSRB Hearing Officers	29

THE COURTS:

CSRB decisions issued by the Court of Appeals:	3
CSRB cases currently pending before the Court of Appeals:	4
CSRB decisions issued by District Court	0
CSRB cases currently pending before the District Court	2

**ANNUAL GRIEVANCE CASES COMPARED
FOR TEN YEAR PERIOD
FISCAL YEARS 1995-1996 THROUGH 2004-2005**

FISCAL YEAR	TOTAL GRIEVANCES	JURISDICTIONAL DECISIONS	STEP 5 HEARINGS	STEP 6 HEARINGS
95-96	115	14	10	2
96-97	104	4	9	2
97-98	126	5	14	2
98-99	122	2	5	1
99-00	103	3	5	1
00-01	116	6	10	1
01-02	78	5	2	1
02-03	91	9	15	6
03-04	129	12	9	7
04-05	122	15	7	7

TOTAL GRIEVANCES

1995-1996 THROUGH 2004-2005

